VIA FACSIMILE (703) 872-9306

9D-HR-19939
PATENT

Remarks

The Office Action mailed October 24, 2003 has been carefully reviewed and the following remarks are made in consequence thereof.

Claims 1-22 are now pending in this application. Claims 1-22 are rejected.

The rejection of Claims 1-3, 12-13, 17-18, and 22 under 35 U.S.C. § 102(e) as being anticipated by Lange et al. (U.S. Patent No. 6,478, 445) is respectfully traversed.

Lange et al. describe a light column assembly (10) including a hollow tube (12), a first endcap (14), a first optical lighting film (16), a second optical lighting film (18), and a light source (20). The tube includes a rear wall (22) with an inner surface (24), and a front wall (26) that extends opposite the rear wall. The tube front wall has an inner surface (27). The tube also includes a first end (28), and a second end (30). The first endcap is coupled to the tube first end and has a reflective inner surface (32). Lange et al. column 2, lines 42-56. The light source is coupled to the tube second end and is positioned to direct a light beam (34) having a predetermined beam spread angle (36) the toward first endcap such that light source light (38) is substantially evenly emitted from the tube through the tube front wall. The predetermined beam spread angle ranges between 5 degrees and 30 degrees. The light source includes two known halogen lamps (54) wherein each lamp has a beam spread angle (56) of about 17 degrees and a diameter (58). Lange et al. column 4, lines 57-66. Applicants respectfully traverse the statement in the Office Action dated October 24, 2003, that Lange et al. discloses "a second light element (38) coupled to the base for producing light below the bottom surface". Rather Applicants submit that reference numeral 38 refers to light from the light source. See Figure 3. Additionally Applicants request clarification as to what structure the Examiner is referring to as a base and a bottom surface in Lange et al.

VIA FACSIMILE (703) 872-9306

Lange et al. also describe a single vertically extending mullion. More particularly, Lange et al. describe that the "insulation in the space between liners 108, 110 is covered by another strip of suitable resilient material, which also commonly is referred to as a mullion 114. Mullion 114 also preferably is formed of an extruded ABS material. Breaker strip 112 and mullion 114 form a front face, and extend completely around inner peripheral edges of case 106 and vertically between liners 108, 110. Mullion 114, insulation between compartments, and a spaced wall of liners separating compartments, sometimes are collectively referred to herein as a center mullion wall 116. Shelves 118 and slide-out storage drawers 120, sometimes referred to as storage pans, normally are provided in fresh food compartment 102 to support items being stored therein. A shelf 126 and wire baskets 128 are also provided in freezer compartment 104. In addition, an ice maker 130 may be provided in freezer compartment 104." Lange et al. column 7, lines 51-67. Lange et al. also describe that the first endcap and the second endcap on the light column assembly are coupled to a fresh food compartment inner liner (108). Lange et al. column 8, lines 19-21.

Claim 1 recites a mullion assembly for a refrigerator quick chill pan, wherein the mullion assembly "comprising a base comprising a top surface and a bottom surface; a first light element coupled to said base for producing light above said top surface; and a second light element coupled to said base for producing light below said bottom surface".

Lange et al. do not describe or suggest a mullion assembly for a refrigerator quick chill pan, wherein the mullion assembly includes a base having a top surface and a bottom surface, a first light element coupled to the base for producing light above the top surface, and a second light element coupled to the base for producing light below the bottom surface. Moreover, Lange et al. do not describe or suggest a first light element coupled to a base of a mullion assembly for producing light above a top surface, nor does Lange et al. describe or suggest a second light element coupled to the base for producing light below a bottom surface. Rather in contrast to the present invention, Lange et al. describe a light column assembly coupled to a fresh

food compartment inner liner. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Lange et al.

Claims 2-3 depend from independent Claim 1. When the recitations of Claims 2-3 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-3 are likewise patentable over Lange et al.

Claim 12 recites a refrigerator "comprising: a liner comprising a refrigeration compartment; and a mullion assembly mounted within said refrigeration compartment in a substantially horizontal position, said mullion assembly comprising a base, a first light source coupled to said base for producing light above said base and a second light source coupled to said base for producing light below said base".

Lange et al. do not describe or suggest refrigerator including a liner including a refrigeration compartment, and a mullion assembly mounted within the refrigeration compartment in a substantially horizontal position, wherein the mullion assembly includes a base, a first light source coupled to the base for producing light above the base and a second light source coupled to the base for producing light below the base. Moreover, Lange et al. do not describe or suggest a first light source coupled to a base of a mullion assembly for producing light above the base, nor does Lange et al. describe or suggest a second light source coupled to the base for producing light below the base. Additionally, Lange et al. do not describe or suggest a mullion assembly mounted within the refrigeration compartment in a substantially horizontal position. Rather in contrast to the present invention, Lange et al. describe a light column assembly coupled to a fresh food compartment inner liner and a vertically extending mullion. Accordingly, for at least the reasons set forth above, Claim 12 is submitted to be patentable over Lange et al.

VIA FACSIMILE (703) 872-9306

Claims 13 and 17-18 depend from independent Claim 12. When the recitations of Claims 13 and 17-18 are considered in combination with the recitations of Claim 12, Applicants submit that dependent Claims 13 and 17-18 are likewise patentable over Lange et al.

Claim 22 recites a refrigerator "comprising: at least one refrigeration compartment; a pan located within said at least one compartment and operable in a plurality of modes thermally independent of said refrigeration compartment; and an insulated mullion assembly overlying said pan and thermally isolating said pan from said fresh food compartment".

Lange et al. do not describe or suggest a refrigerator including at least one refrigeration compartment, a pan located within the at least one compartment and operable in a plurality of modes thermally independent of the refrigeration compartment, and an insulated mullion assembly overlying said pan and thermally isolating the pan from the fresh food compartment. Moreover, Lange et al. do not describe or suggest a pan located within the at least one compartment and operable in a plurality of modes thermally independent of the refrigeration compartment. Applicants respectfully traverse the statement in the Office Action dated October 24, 2003, that "at least one refrigeration compartment (104); a pan (col. 7, lines 62-64)) located within the at least one compartment (104). Rather, the compartment numbered 104 is a freezer compartment. Applicants further traverse the statement in the Office Action dated October 24, 2003, that "an insulated mullion assembly (114) overlaying the pan and thermally isolating the pan from the fresh food compartment (104)". Rather, the compartment numbered 104 is a freezer compartment and the mullion numbered 114 does not overlay anything but extends vertically. Accordingly, for at least the reasons set forth above, Claim 22 is submitted to be patentable over Lange et al.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejections of Claims 1-3, 12-13, 17-18, and 22 be withdrawn.

VIA FACSIMILE (703) 872-9306

The rejection of Claims 4-5 and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Lange et al. in view of Fletcher (U.S. Patent No. 4,916,921) is respectfully traversed.

Peterson et al. is described above. Fletcher describes an ice maker wherein to facilitate removal of a tray (70) when a housing door (82) is opened, a biasing means (84) is provided at a rear of a chamber (68) to push the tray up a slope of a slanted supporting surface so that a gripping ledge or lip (86) of the tray project out of a chamber opening (85) at least about 1/2 inch, preferably about 1 to 2 inches, when the housing door is opened. Fletcher, column 11, lines 8-13. Fletcher also describes that mounted on an inner side of a rear wall (59) is an electrical switch (94) having a spring loaded push button type contact (96) which is arranged to be engaged by the ledge (86) at an end of the tray opposite from this same gripping ledge adjacent to the chamber opening (85). Fletcher, column 11, lines 26-30. Fletcher also describes that mounted on each door is a lock mechanism having a lock cylinder (104) and a pair of retractable ears (105) for engaging an annular recess (108) in a front wall (58) of a housing (54).

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established merely by suggesting that it would have been obvious to one of ordinary skill in the art to modify Lange et al. using the teachings of Fletcher. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. *Ex parte Levengood,* 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993); MPEP 2143.01. Rather, the prior art references when combined must teach or suggest all the claim limitations and there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art and not based on Applicants' disclosure. *In re Vaeck,* 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, the combined references do not teach or suggest all the claim limitations, there is no suggestion or motivation to combine the prior art disclosures, and no reasonable expectation of success has been shown if the prior art is combined.

The Examiner has not pointed to any prior art that teaches or suggests combination of these disclosures, other than Applicants' own teaching. Indeed, only the conclusory statement in the Office Action dated October 24, 2003, "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the lighting assembly for a refrigeration appliance of Lange ('445) with the latch and the switch disclosed by Fletcher" suggests combining the disclosures. Thus, in contrast to the assertion within the Office Action dated October 24, 2003, Applicants respectfully submit that it would not have been obvious to one skilled in the art to combine Lange et al. with Fletcher, because there was no motivation to combine the references suggested in the art at the time Applicants' invention was made.

Furthermore, to the extent understood, neither Lange et al. nor Fletcher, considered alone or in combination, describe or suggest the claimed combination. Rather, the present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Lange et al. is cited for teaching a lighting assembly, and Fletcher is cited for teaching a latch and a switch.

Moreover, Applicants respectfully submit that the prior art teaches away from the present invention. Unlike the present invention, Lange et al. describe a light column assembly coupled

to a fresh food compartment inner liner and a vertically extending mullion. By contrast, the present invention teaches a first light element and a second light element.

Since there is no teaching or suggestion for the combination of Lange et al. and Fletcher, and, moreover, since the prior art teaches away from the present invention, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. *U.S. v. Adams*, 148 USPQ 479 (1966); *Gillette Co. v. S.C. Johnson & Son, Inc.*, 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicants respectfully submit that Lange et al. teaches away from the present invention, and as such, Applicants request that the Section 103 rejection of Claims 4-5 and 14-16 be withdrawn.

Notwithstanding the above, the rejection of Claims 4-5 and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Lange et al. in view of Fletcher is further traversed on the grounds that Lange et al. and Fletcher, considered alone or in combination, do not describe or suggest the claimed invention.

Claims 4-5 depend from Claim 1 which recites a mullion assembly for a refrigerator quick chill pan, wherein the mullion assembly "comprising a base comprising a top surface and a bottom surface; a first light element coupled to said base for producing light above said top surface; and a second light element coupled to said base for producing light below said bottom surface".

Neither Lange et al. nor Fletcher, considered alone or in combination, describe or suggest a mullion assembly for a refrigerator quick chill pan, wherein the mullion assembly includes a base having a top surface and a bottom surface, a first light element coupled to the base for producing light above the top surface, and a second light element coupled to the base for

producing light below the bottom surface. Moreover, neither Lange et al. nor Fletcher, considered alone or in combination, describe or suggest a first light element coupled to a base of a mullion assembly for producing light above a top surface, nor does Lange et al. or Fletcher describe or suggest a second light element coupled to the base for producing light below a bottom surface. Rather in contrast to the present invention, Lange et al. describe a light column assembly coupled to a fresh food compartment inner liner, and Fletcher describes an ice maker. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Lange et al. in view of Fletcher.

Claims 4-5 depend from independent Claim 1. When the recitations of Claims 4-5 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 4-5 are likewise patentable over Lange et al. in view of Fletcher.

Claims 14-16 depend from Claim 12 which recites a refrigerator "comprising: a liner comprising a refrigeration compartment; and a mullion assembly mounted within said refrigeration compartment in a substantially horizontal position, said mullion assembly comprising a base, a first light source coupled to said base for producing light above said base and a second light source coupled to said base for producing light below said base".

Neither Lange et al. nor Fletcher, considered alone or in combination, describe or suggest a refrigerator including a liner including a refrigeration compartment, and a mullion assembly mounted within the refrigeration compartment in a substantially horizontal position, wherein the mullion assembly includes a base, a first light source coupled to the base for producing light above the base and a second light source coupled to the base for producing light below the base. Moreover, neither Lange et al. nor Fletcher, considered alone or in combination, describe or suggest a first light source coupled to a base of a mullion assembly for producing light above the base, nor does Lange et al. or Fletcher describe or suggest a second light source coupled to the base for producing light below the base. Additionally, neither Lange et al. nor Fletcher, considered alone or in combination, describe or suggest a mullion assembly mounted within the

refrigeration compartment in a substantially horizontal position. Rather in contrast to the present invention, Lange et al. describe a light column assembly coupled to a fresh food compartment inner liner and a vertically extending mullion, and Fletcher describes an ice maker. Accordingly, for at least the reasons set forth above, Claim 12 is submitted to be patentable over Lange et al. in view of Fletcher.

Claims 14-16 depend from independent Claim 12. When the recitations of Claims 14-16 are considered in combination with the recitations of Claim 12, Applicants submit that dependent Claims 14-16 are likewise patentable over Lange et al. in view of Fletcher.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 4-5 and 14-16 be withdrawn.

The rejection of Claims 6-11 under 35 U.S.C. § 103(a) as being unpatentable over Lange et al. in view of Fletcher (U.S. Patent No. 4,916,921) is respectfully traversed.

Peterson et al. and Fletcher are described above.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established merely by suggesting that it would have been obvious to one of ordinary skill in the art to modify Lange et al. using the teachings of Fletcher. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts

necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993); MPEP 2143.01. Rather, the prior art references when combined must teach or suggest all the claim limitations and there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art and not based on Applicants' disclosure. *In re Vaeck*, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, the combined references do not teach or suggest all the claim limitations, there is no suggestion or motivation to combine the prior art disclosures, and no reasonable expectation of success has been shown if the prior art is combined.

The Examiner has not pointed to any prior art that teaches or suggests combination of these disclosures, other than Applicants' own teaching. Indeed, only the conclusory statement in the Office Action dated October 24, 2003, that "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the lighting assembly for a refrigeration appliance of Lange ('445) with the control panel and the switch disclosed by Fletcher" suggests combining the disclosures. Thus, in contrast to the assertion within the Office Action dated October 24, 2003, Applicants respectfully submit that it would not have been obvious to one skilled in the art to combine Lange et al. with Fletcher, because there was no motivation to combine the references suggested in the art at the time Applicants' invention was made.

Furthermore, to the extent understood, neither Lange et al. nor Fletcher, considered alone or in combination, describes or suggests the claimed combination. Rather, the present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt

to arrive at the claimed invention. Specifically, Lange et al. is cited for teaching a lighting assembly, and Fletcher is cited for teaching a control panel and a switch.

Moreover, Applicants respectfully submit that the prior art teaches away from the present invention. Unlike the present invention, Lange et al. describe a vertically extending mullion. By contrast, the present invention teaches an insulated mullion assembly overlying a pan.

Since there is no teaching or suggestion for the combination of Lange et al. and Fletcher, and, moreover, since the prior art teaches away from the present invention, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. *U.S. v. Adams*, 148 USPQ 479 (1966); *Gillette Co. v. S.C. Johnson & Son, Inc.*, 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicants respectfully submit that Lange et al. teaches away from the present invention, and as such, Applicants request that the Section 103 rejection of Claims 6-11 be withdrawn.

Notwithstanding the above, the rejection of Claims 6-11 under 35 U.S.C. § 103(a) as being unpatentable over Lange et al. in view of Fletcher is further traversed on the grounds that Lange et al. and Fletcher, considered alone or in combination, do not describe or suggest the claimed invention.

Claim 6 recites a refrigerator pan assembly including "a pan; and an insulated mullion assembly overlying said pan, said mullion assembly comprising a top surface, at least one light source extending through said top surface for illuminating said pan from above, and a switch assembly mounted to said top surface for user selection of a pan condition".

Neither Lange et al. nor Fletcher, considered alone or in combination, describe or suggest a pan assembly including a pan, and an insulated mullion assembly overlying the pan, wherein

the mullion assembly includes a top surface, at least one light source extending through the top surface for illuminating the pan from above, and a switch assembly mounted to the top surface for user selection of a pan condition. Moreover, neither Lange et al. nor Fletcher, considered alone or in combination, describe or suggest an insulated mullion assembly overlying a pan. Rather, in contrast with the present invention, Lange et al. describes a vertically extending mullion, and Fletcher describes an ice maker. Accordingly, Applicants respectfully submit that Claim 6 is patentable over Lange et al. in view of Fletcher.

Claims 7-11 depend directly from independent Claim 6. When the recitations of Claims 7-11 are considered in combination with the recitations of Claim 6, Applicants respectfully submit that dependent Claims 7-11, likewise, are patentable over Lange et al. in view of Fletcher.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 6-11 be withdrawn.

The rejection of Claims 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Hamada et al. (U.S. Patent No. 6,619,814) in view of Hagemeyer Cook et al. (U.S. Patent No. 5,701,235, hereinafter "Cook") is respectfully traversed.

Hamada et al. describe a showcase (1) including a heat insulating wall (2) having a substantially U-shaped cross section and side plates (3) disposed to the both sides of the heat insulating wall. A partition plate (4) is provided inside the insulating wall with a gap therebetween, and a space between the partition plate and the heat insulating wall serves as a duct (7). A deck pan (90 as a bottom plate is provided on the bottom portion of the partition plate, and the inside of the partition plate and the deck pan is determined as a storeroom (11). Hamada et al., column 5, lines 55-65. Hamada et al. also describe that a fixture (46) is constituted by a holding portion (47) which has an opening on the side plate side to support the front edge of the side plate and has a substantially U-shaped cross section and a fixing portion (48) which has an opening on the storeroom side and has a substantially U-shaped cross section.

Both ends of the opening face of the fixing portion are slightly bent inwards. A flat fluorescent lamp (49) similar to a flat fluorescent lamp (35) is accommodated in the opening face of the fixing portion of the fixture. Hamada et al., column 7, lines 56-65. Applicants respectfully traverse the assertion in the Office Action dated October 24, 2003, that reference numeral 1 indicates a mullion. Rather, reference numeral 1 refers to a showcase, and Hamada et al. is silent with respect to a mullion.

Cook describes a control panel (15) having several controls with which a user can adjust refrigerator and freezer temperatures, etc. A freezer control indicator (16) is located within a freezer temperature control slot (17) and a refrigerator control indicator (18) is located within a refrigerator temperature control slot (19). The control indicators utilize slide bar thermostats. The control indicators provide the user with a useful indication of the temperature setting by the indicators' position relative to the index of temperature values provided on the control panel.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established merely by suggesting that it would have been obvious to one of ordinary skill in the art to modify Hamada et al. using the teachings of Cook. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. *Ex parte Levengood,* 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993); MPEP 2143.01. Rather, the prior art references when combined must teach or suggest all the claim limitations and there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art and not based on Applicants' disclosure. *In re Vaeck,* 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, the combined references do not teach or suggest all the claim limitations, there is no suggestion or motivation to combine the prior art disclosures, and no reasonable expectation of success has been shown if the prior art is combined.

The Examiner has not pointed to any prior art that teaches or suggests combination of these disclosures, other than Applicants' own teaching. Indeed, only the conclusory statement in the Office Action dated October 24, 2003, "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the showcase of Hamada ('814) with the control panel taught by Hagemeyer Cook" suggests combining the disclosures. Thus, in contrast to the assertion within the Office Action dated October 24, 2003, Applicants respectfully submit that it would not have been obvious to one skilled in the art to combine Hamada et al. with Cook, because there was no motivation to combine the references suggested in the art at the time Applicants' invention was made.

Furthermore, to the extent understood, neither Hamada et al. nor Cook, considered alone or in combination, describe or suggest the claimed combination. Rather, the present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Hamada et al. is cited for teaching a showcase, and Cook is cited for teaching a control panel light.

VIA FACSIMILE (703) 872-9306

9D-HR-19939
PATENT

Moreover, Applicants respectfully submit that the prior art teaches away from the present invention. Unlike the present invention, Hamada et al. describe a showcase. By contrast, the present invention teaches a pan and a mullion situated substantially horizontally above the pan.

Since there is no teaching or suggestion for the combination of Hamada et al. and Cook, and, moreover, since the prior art teaches away from the present invention, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. *U.S. v. Adams*, 148 USPQ 479 (1966); *Gillette Co. v. S.C. Johnson & Son, Inc.*, 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicants respectfully submit that Hamada et al. teaches away from the present invention, and as such, Applicants request that the Section 103 rejection of Claims 19-21 be withdrawn.

Notwithstanding the above, the rejection of Claims 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Hamada et al. in view of Cook is further traversed on the grounds that Hamada et al. and Fletcher, considered alone or in combination, do not describe or suggest the claimed invention.

Claim 19 recites a refrigerator quick chill and thaw system "comprising: a pan; a mullion situated substantially horizontally above said pan; a light coupled to said base for illuminating said pan; a control panel coupled to said base for user selection of a pan condition; and a control board coupled to said base and operatively coupled to said control panel".

Neither Hamada et al. nor Cook, considered alone or in combination, describe or suggest a refrigerator quick chill and thaw system including a pan, a mullion situated substantially horizontally above the pan, a light coupled to the base for illuminating the pan, a control panel coupled to the base for user selection of a pan condition, and a control board coupled to the base

and operatively coupled to the control panel. Moreover, neither Hamada et al. nor Cook, considered alone or in combination, describe or suggest a mullion situated substantially horizontally above a pan. Rather, Hamada et al. and Cook are both silent with respect to a mullion. Accordingly, Applicants respectfully submit that Claim 19 is patentable over Hamada et al. in view of Cook.

Claim 20 depends from independent Claim 19. When the recitations of Claim 20 are considered in combination with the recitations of Claim 19, Applicants respectfully submit that dependent Claim 20 likewise is patentable over Hamada et al. in view of Cook.

Claim 21 recites a quick chill and thaw system for a refrigerator including at least a quick chill and thaw fan, an air supply in communication with the fan, and a heater element in communication with the fan, the system including "a pan in fluid communication with the fan, the air supply, and the heater element; a mullion base situated substantially horizontally above said pan; a light coupled to said base for illuminating said pan; a control panel coupled to said base for user selection of a pan condition; and a control board coupled to said base and operatively coupled to said control panel, said control board regulating the fan, air supply, and heater element in accordance with a selected one of a plurality of modes of operation, said plurality of modes comprising at least a quick chill mode and a thaw mode".

Neither Hamada et al. nor Cook, considered alone or in combination, describe or suggest system including a pan in fluid communication with the fan, the air supply, and the heater element, a mullion base situated substantially horizontally above the pan, a light coupled to the base for illuminating the pan; a control panel coupled to said base for user selection of a pan condition, and a control board coupled to the base and operatively coupled to the control panel, the control board regulating the fan, air supply, and heater element in accordance with a selected one of a plurality of modes of operation, the plurality of modes including at least a quick chill mode and a thaw mode. Moreover, neither Hamada et al. nor Cook, considered alone or in combination, describe or suggest a mullion base situated substantially horizontally above the

VIA FACSIMILE (703) 872-9306

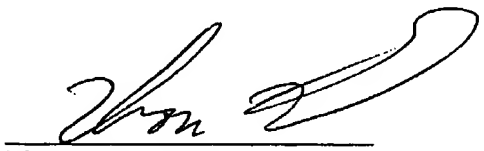
9D-HR-19939
PATENT

pan. Rather, Hamada et al. and Cook are both silent with respect to a mullion base. Accordingly, Applicants respectfully submit that Claim 21 is patentable over Hamada et al. in view of Cook.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 19-21 be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Thomas M. Fisher
Registration No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070